

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division**

**BAE SYSTEMS ORDNANCE  
SYSTEMS, INC.**

Plaintiff,

**V.**

**FLUOR FEDERAL SOLUTIONS, LLC**

**Defendant.**

**Civil Action No. 7:20-CV-00587-MFU-RSB**

**FLUOR FEDERAL SOLUTIONS, LLC’S MOTION TO QUASH THOMAS  
D’AGOSTINO SUBPOENA TO TESTIFY AT A DEPOSITION AND NOTICE OF  
DEPOSITION, OR TO ISSUE A PROTECTIVE ORDER**

Fluor Federal Solutions, LLC (“Fluor”), by counsel, hereby moves to quash the Subpoena to Testify at a Deposition and Notice of Deposition in a Civil Action served by BAE Systems Ordnance Systems, Inc. (“BAE” or “Plaintiff”) on November 14, 2022, or alternatively, seeks a protective order postponing the deposition until BAE’s discovery abuses can be cured. The deposition is currently scheduled next week on December 20, 2022, four (4) months before the close of fact discovery.

For the reasons set forth in the accompanying Memorandum of Points and Authorities (“Memorandum”), which is incorporated herewith, undue prejudice to Fluor associated with Mr. D’Agostino’s compelled testimony in this civil matter, at this time, significantly outweighs the benefits to BAE. Indeed, as explained in the Memorandum it appears that BAE’s pursuit of Mr. D’Agostino’s testimony at this time—and BAE’s steadfast refusal to agree to move the deposition to a later date—appears intended to unduly prejudice Fluor. Accordingly, Fluor requests this Court quash or modify the Subpoena and Notice, or issue a protective order moving the deposition to a

point later in the discovery window.

Dated: December 16, 2022

Respectfully submitted,

s/ Scott P. Fitzsimmons

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of December 2022, a copy of the foregoing was delivered via the CM/ECF system to the following:

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Respectfully submitted,

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